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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/602,245  | 06/23/2003  | Len Chan             | 5306P098            | 1154             |
| 8791  | 7590        | 06/01/2006           | EXAMINER            |                  |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN<br>12400 WILSHIRE BOULEVARD<br>SEVENTH FLOOR<br>LOS ANGELES, CA 90025-1030 |             |                      | MOONEYHAM, JANICE A |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3629                |                  |

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |                                    |  |
|------------------------------|--|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/602,245   | <b>Applicant(s)</b><br>CHAN ET AL. |  |
|                              | <b>Examiner</b><br>Janice A. Mooneyham | <b>Art Unit</b><br>3629            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5-9, 11, 13-17, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-9, 11, 13-17, 19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to the applicant's communication filed on March 16, 2006, wherein:

Claims 1, 3, 5-9, 11, 13-17, 19, and 21-24 are currently pending;

Claims 1, 5, 8-9, 13-14, 16-17, 21-22, and 24 have been amended;

Claims 4, 12 and 20 have been cancelled.

#### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3 5-9, 11, 13-17, 19 and 21-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 1, 9 and 17, the applicant added the language ***the pricing rules being based on a weight assigned to each of the one or more of the plurality of criteria.***

The Examiner request that the applicant direct the Examiner to where this is disclosed in the original disclosure.

Furthermore, the applicant amended claims 1, 9 and 17 to include the language of canceled claims 2, 10 and 18 in the response submitted on October 27, 2005. In the original claim language of claims 2, 9, and 17, the applicant's claim language reads "**wherein the plurality of criteria includes criteria selected from a group of criteria consisting of date, day-part, current demand and supplementary sales**". Applicant amended the language to read "**the set of pricing rules including pricing rules pertaining to date, day-part, current demand, or supplementary sales**" and "**each criterion corresponding to one or more of the pricing rules**".

Applicant was requested to point to where the claimed limitations are in the specification. The applicant directed the Examiner to paragraph [43]. Paragraph [43] discloses the following:

[0043] However, it is often the case that a reservation management system does not have the liberty to establish a reservation based upon category space. This is because customers may request specific space for any number of reasons(e.g., requesting the ballroom with the ocean view). This becomes an additional source for generating revenue, as customers are typically willing to pay more for such specific requests. The function space reservation management system in one embodiment maintains the flexibility to allocate specific space when requested and category space otherwise.

In the response submitted on October 27, 2005, the applicant also amended claims 1, 9 and 17 to read **upon determining that the requested function space satisfying the one or more of the plurality of criteria is available, determining a price for the requested function space based upon the set of pricing rules and one or more plurality of criteria**. Applicant was requested to direct the Examiner as to where the claimed limitations are in the specification.

Art Unit: 3629

In the response filed March 16, 2005, Applicant now states that support can be found in paragraph [0027], which is actually [0031] in the East database. Paragraph [0031] states:

[0031] If, at operation 210, it is determined that function space is available to meet the reservation request, then, at operation 215, a reservation for the space is established and a price quote is obtained. To obtain a price quote, the central reservation DPS applies some or all of the general and specific pricing rules. For example, a hotel chain may have a general pricing rule that provides a pricing discount for function space based upon the attendance of the event or the total area of the function space reserved. Each individual property may implement property-specific pricing rules as well.

Applicant further states that support for certain of the claim amendments can also be found in paragraphs [0046-0048].

Paragraphs [0046-0048] read as follows:

[0046] If, at operation 510, the space requested is available, the reservation management system allocates the space to fulfill the requirements of the reservation request at operation 515. At operation 520 the reservation management system updates the space product inventory based upon the allocation of space.

[0047] In determining availability, the reservation management system concurrently evaluates category space and specific space inventory. For one embodiment, this is effected through use of a common reservation table.

[0048] An embodiment of the invention allows all category space reservations to be quickly mapped to specific space at any particular time to present an optimal specific space allocation for presentation to a user (e.g., a hotel sales manager) based on current valid reservations. This allows a user to verify availability for pending reservations. Also, as the particular time of the reservations draws near, the category space allocations will have to be mapped to specific space allocations so the function spaces can be appropriately configured and so each customer will know where to go. That is, as the function date approaches event staff will have to know which function rooms are assigned to which functions. Category reservations will eventually have to be assigned to specific space. These assignments are made that are best suited to optimize space utilization.

Art Unit: 3629

3. Claims 1, 3, 5-9, 11, 13-17, 19, and 21-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant amended claims 1, 9, and 17 to include the limitation that ***the pricing rules being based on a weight assigned to each of the one or more of the plurality of criteria.***

The applicant's specification states as follows:

[0053] Embodiments of the invention may be applied to provide a function space reservation system that allows sophisticated and complex availability and pricing algorithms to be employed to provide real-time availability determinations and price quotes.

[0054] ***Any number of algorithms may be applied that consider varying sets of factors, or assign greater or lesser weight to each of the factors.*** For example, at a particular property, day-of-the-week may be a heavily weighted factor for reservations for function space on Friday or Saturday evenings. Another property may not even consider time-of-year or factor it differently. For example, at a property in a country where Christmas is celebrated (e.g., the U.S.), function space for a Saturday evening in mid-December may be priced at a premium, whereas comparable function space for the same day at a property in a different country (e.g., Iraq) may be priced at a discount.

Thus, applicant has not described the algorithms or the factors in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-9, 11, 13-17, 19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bingham et al (US 2002/0069094) (hereinafter referred to as Bingham).

Referring to Claims 1, 9, and 17:

Bingham discloses a method, a machine readable medium for providing instructions which cause the processor to perform the method (page 3 [0025]), and a system (Figs. 1, 2a, 2b, 3) for performing the method comprising:

receiving a request ([0008] ***a reservation request is received from a user***) for a function space (***resources for meetings***) at a digital processing system (***Internet based system***), the digital processing system containing an availability information for one or more function spaces at a plurality of remote properties (***multiple meeting facility resources***) and a set of pricing rules for one or more function spaces (Examiner interprets this as rules for determining the price of the space), the set of pricing rules pertaining to supplementary sales (*as defined by applicant in the specification in paragraph [49] For example, the price at which a ballroom for a*

Art Unit: 3629

*particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the*

**Event – *Binham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources [0029] and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) [033], the request including a plurality of criteria, ([0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and [0029] meeting facility criteria are received (block 404) from the user via a graphical interface), [0030] a customer profile, a reservation rule, a reservation quota, and meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the retrieved reservation rule [0033] a price for the defined meeting package is generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) [0038] a meeting facility employee may adjust room pricing values***



***such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Fig. 4 (404), (410);***

determining an availability of the requested function space based upon the availability information and one or more of the criterion (***Fig. 5 (512) Are the Specified Meeting Facility Resources Available for Reservation?, page 1 [0008], page 4 [0033]***); and

upon determining that a requested function space satisfying the one or more plurality of criteria are available, automatically providing a real-time price quote for the requested function space based upon the set of pricing rules, the pricing rules being based on a weight assigned to each of the one or more plurality of criterion (***[0033] If sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more than 7 nights and get 10% off; Fig. 5 (516) Price the Meeting Package Based on the Customer Profile; [0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules; real time -page 1 [0008] – a customer profile associated with the user may be used to determine the price of the meeting package or its component resources. The meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time***

Art Unit: 3629

facility inventory data, or facility reservation rules. Fig. 5 [516], page 4 [0033], page 5 [0038]

Referring to Claims 3, 11, and 19:

Bingham discloses a method, medium and system wherein the plurality of remote properties are individual hotels of a hotel chain (Figs. 11-12).

Referring to Claims 5, 13 and 21:

Bingham discloses method, medium and system further comprising:  
receiving an acceptance of the price for the requested function space from the user; and  
establishing a reservation for the requested function space (Fig. 4 (416), Fig. 5 (516),  
Fig. 12 (confirmation number, grand total), page 5 [[0037]]).

Referring to Claims 6, 14 and 22:

Bingham discloses a method, medium and system further comprising receiving a  
rejection of the price for the requested function space from the user; and  
providing alternatives to one or more of the plurality of criteria in real-time (Figs. 4-5,  
Fig. 11 alternatives are presented with differing prices)

Referring to Claims 7, 15 and 23:

Bingham discloses a method, medium and system wherein establishing a  
reservation for the requested function space includes allocating a function space of a  
specified category, the category specified by one or more category related criteria  
included in the plurality of criteria of the request (Figs. 4-5, page 1 [0008]).

Referring to 8, 16 and 24:

Bingham discloses a method, medium and system wherein the category related criteria include one or more criterion selected from the group consisting of attendance (Fig. 7 (706)), event type (customer type Fig. 4) (page 4 [0033]), setup styles (Fig. 9 (906) (Setup Classroom) and area (Fig. 7 (708) (Figs 7-14)).

### ***Response to Arguments***

4. Applicant's arguments filed October 27, 2005 have been fully considered but they are not persuasive.

The applicant argues that Bingham does not disclose upon determining that the requested function space satisfying the one or more plurality of criteria is available, determining a price for the requested function space based upon the set of pricing rules, the pricing rules being based on a weight assigned to each of the one or more of the plurality of criteria. The Examiner respectfully disagrees.

Bingham discloses ***[0033] If sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516).***

The applicant argues on page 8 of the Remarks that in one embodiment, based on the user criteria (e.g. the number of people in attendance), the availability is determined. Then, if the user criteria indicates that people using the function space will

Art Unit: 3629

be drinking alcohol, a first, lower price is given. Bingham discloses in **Figure 11**  
***Reserve room for more than 7 nights and get 10% off and in Figure 5 (516) Price***  
***the Meeting Package Based on the Customer Profile.***

The Examiner asserts that Bingham discloses a price based on criteria entered by the user. Applicant argues that in the applicant's invention, pricing rules in the digital processing system are able to determine the price based on all of the criteria entered by the user. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determine the price based on all of the criteria entered by the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

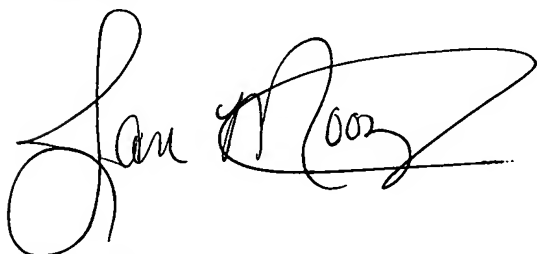
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Jan Mooneyham", with a stylized flourish at the end.

Jan Mooneyham  
Patent Examiner  
Art Unit 3629